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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,855

01/21/2005

Egidius Van Doren

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BRIARCLIFF MANOR, NY 10510

EXAMINER

RECEK, JASON D

ART UNIT

PAPER NUMBER

2109

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>10/521,855</p>	<p><b>Applicant(s)</b></p> <p>VAN DOREN ET AL.</p>	
	<p><b>Examiner</b></p> <p>Jason Recek</p>	<p><b>Art Unit</b></p> <p>2109</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 1,3 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08 August 2005</u> .  | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

This is in response to application 10/521855 filed on January 21<sup>st</sup> 2005, in which claims 1-16 are presented for examination.

### ***Status of Claims***

Claims 1-16 are pending, of which claims 1, 9 and 16 are in independent form.

Claims 1, 3 and 9 are currently objected to.

Claims 1-15 are currently rejected under 35 U.S.C. 112 second paragraph.

Claims 1-2, 4-10, and 12-16 are currently rejected under 35 U.S.C. 102(b).

Claims 3 and 11 are currently rejected under 35 U.S.C. 103(a).

### ***Drawings***

1. The drawings are objected to because the specification describes the nodes as "1, 2, 3 and 4" (pg. 3-5) however in the drawings the nodes are labeled as "A, B, C and D" (Fig. 1-7). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the

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replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1 and 9 are objected to because of the following informalities: the words "and if" at the end of step/means four (establishing a connection) are unclear. The word "and" indicates that the step would always be performed and then something else would happen if the following conditions a, b and c were satisfied, however the placement of the semicolons suggests that step four (establishing a connection) will be performed only if the conditions a, b, and c are satisfied. Currently the claim is being interpreted as if the "and" were omitted. Appropriate correction is required.

3. Claim 3 is objected to because of the following informalities: the acronym "FIFO" is not spelled out. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 recite the limitation "the defined nodes" in step/means two.

There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "and/or" renders the claim indefinite because it is not clear whether the route reservation information will be stored or whether the reserved connections of the route will be stored, or possibly both will be stored.

The term "about" in claims 1 and 9 is a relative term which renders the claim indefinite. The term "about" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 2-8 and 10-15 are rejected because they depend from a rejected claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4-10, and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu “Signaling network architecture and transaction protocols to support realtime connection rerouting in ATM/B-ISDNs”.

Regarding claim 1, Yu discloses “defining a linear route through a number of said nodes, a first node being a source of the route” as a predetermined route (Section 2. Robust Fast Reservation), “reserving connections for the route that originates at the source node by storing route reservation information associating the defined nodes” as a route reservation system involving the source node and connecting nodes in the predetermined route (section 2), “transmitting a start marker for the route at the source node before any data for the route is sent from the source node”, as packet-ordering synchronization markers (section 1, 4.2), “establishing a connection between the source node and the next node on the route” this is inherently disclosed because a connection between nodes would necessarily be established to transfer data between them, “removing the reservation information for the two nodes and if [source node is about to

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send start marker, next node not connected upstream, and reservation information indicates should connect]” the reservation information would necessarily be removed from the nodes once transmission began or completed, failure to do so would place the system would be in a perpetual deadlock, “disconnecting a connection between the source node and the next node if [next node has received end of route marker and next node connected to source node]” after the data has been processed and the end marker is sent the node is no longer reserved and thus the connection between the nodes is destroyed (section 3), “forwarding the end marker, start marker and data downstream over the connection” as sending the terminate and active markers along with the data through the route (section 3), “transmitting data for each node to the next node connected on the route” as passing along the reservation information among all the nodes on the route (section 2.1), and “creating and transmitting an end marker at a source node when subsequent data has to travel via another route if no such end marker is already inserted” as the synchronization indicator generating terminate markers (section 3).

Regarding claim 2, Yu discloses “the step of reserving is done as one atomic action for the whole route” as a reservation system that provides atomic commitment (section 2).

Regarding claim 4, Yu discloses “start marker precedes a stream of data” as a activate-new marker (section 3), “end marker terminates a stream of data” as a

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terminate-old marker (section 3), and “where this ordering is maintained at all times” as a static environment (section 3).

Regarding claim 5, Yu discloses “start and end markers are only inserted in a data stream if properties of the stream change” as a mobile environment (section 3).

Regarding claim 6, Yu discloses “data in a stream may be buffered within a node” as a responder node buffering data (section 3).

Regarding claim 7, Yu discloses “a route describes only a segment of the total list of nodes visited by a data stream” as performing the reservation method for a local reroute which would only contain some of the total nodes visited by the data (section 2).

Regarding claim 8, Yu inherently discloses “the next node is designated as the first node and the node succeeding this node according to the route is designated as the next node and the steps of establishing, disconnecting, forwarding, transmitting and designating the first node and the next node are repeated until the end marker of the route has reached its destination node” as a system that sends an end marker over a network through multiple nodes until the marker reaches its destination, it is inherent that the marker and data would be transmitted through each node and the steps of connecting, disconnecting, etc. would be performed for each transmission between the nodes (section 3).



Regarding claim 9, it is essentially similar to claim 1 and is therefore rejected for the same reasons.

Regarding claims 10, and 12-15, they are essentially similar to claims 2, 4-7 and are therefore rejected for the same reasons.

Regarding claim 16, Yu discloses "a computer readable medium [to carry out the method of claim 1]" as a method that performs on computer networks, the method would necessarily be contained on a computer readable medium (section 1).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Muller et al U.S. Pat. 6,453,360 B1.

Regarding claim 3, Yu does not specifically disclose "the reservation information is stored in the nodes on the route in an FIFO queue" however this is taught by Muller as a packet queue implemented as a FIFO queue (col. 53 ln. 45-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Yu with the FIFO queue of Muller, the motivation is simply to keep data ordered.

Regarding claim 11, it is essentially similar to claim 3 and is therefore rejected for the same reason.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Evered et al. US2003/0043833 A1 teaches using beginning and end markers and FIFO when transferring data in a network.

Zavalkovsky et al. U.S. Pat. 6,988,133 B1 teaches a route reservation protocol.

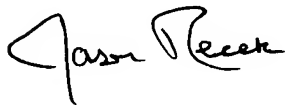
Hodgkinson et al. U.S. Pat. 6,163,807 A teaches a route reservation system with quality of service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Recek whose telephone number is (571) 270-1975. The examiner can normally be reached on Mon - Thurs 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on (571) 272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Recek  
7/6/07



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